

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TYRELL KNIGHT,)	
)	
Plaintiff,)	4:06CV3065
)	
v.)	
)	
RAYMOND EDELMAN, sued in)	MEMORANDUM
both their individual and official)	AND ORDER
capacities, UNKNOWN)	
NOORDHOCK, Corporal, sued in)	
both their individual and official)	
capacities, CALVIN HAYWOOD,)	
sued in both their individual and)	
official capacities, and UNKNOWN)	
PIPER, Sergeant, sued in both their)	
individual and official capacities,)	
)	
Defendants.)	

Plaintiff filed his Complaint in this matter on March 24, 2006, while he was incarcerated at the Nebraska State Penitentiary. (Filing No. 1.) Plaintiff was also granted leave to proceed in forma pauperis (“IFP”) while he was incarcerated. (Filing No. 6.) Plaintiff paid \$48.72 of the court’s \$250.00 filing fee. (*See* Docket Sheet.) Plaintiff filed a change of address on September 27, 2007, indicating that he is no longer incarcerated. (Filing No. 46.)

Since Plaintiff is no longer incarcerated, he must now file a new Application for Leave to Proceed IFP if he wishes to continue pursuing this case in forma pauperis. *See, e.g., McGann v. Comm’r, Social Security Admin.*, 96 F.3d 28, 30 (2d Cir. 1996) (“A released prisoner may litigate without further payment of fees upon satisfying the poverty affidavit requirement applicable to all non-prisoners.”). Plaintiff may, in the alternative, pay the remainder of the court’s \$250.00 filing fee,

or \$201.28. However, if Plaintiff fails to either file a new IFP application or pay the remainder of the \$250.00 filing fee by February 28, 2008, this case will be subject to dismissal without further notice.

IT IS THEREFORE ORDERED that:

1. Plaintiff is no longer incarcerated. Plaintiff has paid \$48.72 of the court's \$250.00 filing fee.

2. By February 28, 2008, Plaintiff shall either file a new Application to Proceed in Forma Pauperis or pay the remainder of the \$250 filing fee (\$201.28). If Plaintiff fails to comply with this memorandum and order, this case may be subject to dismissal after February 28, 2008 without further notice.

3. The Clerk of the court shall send to Plaintiff Form AO 240, "Application to Proceed Without Prepayment of Fees and Affidavit."

4. Plaintiff is reminded to keep the court informed of his current address at all times while this case is pending; failure to do so could result in dismissal.

5. The Clerk of the court is directed to set a pro se case management deadline with the following text: February 28, 2008: deadline for Plaintiff to file new IFP application or pay filing fee.

January 28, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge